

MINUTES  
TOWN OF FREDERICK  
BOARD OF TRUSTEES  
Frederick Town Hall  
October 12, 2010  
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Tony Carey, Trustees Jim Wollack, Rafer Burnham, Sue Wedel, Fred Skates and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Administrative Services Director Bryan Ostler, Town Engineer Dick Leffler and Planning Director Jennifer Simmons. Audience was also present.

**ROLL CALL** Mayor Doering opened tonight's meeting at 7:00p.m. and asked for roll call; all Trustees were present.

**PLEDGE OF ALLEGIANCE** Mayor Doering led the audience in the Pledge of Allegiance.

**ADDITIONS OR DELETIONS TO THE AGENDA** Request to Consider Continuing Suzi Cue's Order to Show Cause Hearing was added to the Agenda and Item m, AM 2010-104, To Consider a Request to Delay Park Construction in Johnson Farm Subdivision was removed from tonight's agenda.

**SPECIAL PRESENTATION** There was no Special Presentation for tonight's meeting.

**PUBLIC COMMENTS**

**Gavin Payne** inquired about the removal of Agenda Item m, AM 2010-104, To Consider a Request to Delay Park Construction in Johnson Farm Subdivision from the agenda. Payne indicated he would like to see the park constructed and asked the Board to consider voting against the delay in constructing the park.

**Brad Henson** owner of Dacono Meds informed the Board, Dacono Meds would donate \$5,000 plus 2% of sales to the Town of Frederick, if the Business would be allowed to locate in the limits of Frederick. Henson stated both the Dacono Meds and the Town of Frederick would benefit by allowing the business to locate in Frederick.

**STAFF REPORTS**

**Administrative Report** Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: A Successful Fall Clean-up Day, Upcoming Board of Trustees Work Sessions. The Administrative Services Department provided information about Amendment 60, 61 and Proposition 101, Budget Preparation, Purchasing Policy, Annual Finance Audit, Utility Billing and Recruiting/Hiring Update. The Engineering Department provided information about the Frederick High School Site, Raspberry Hill Residential, Construction Projects, DRCOG

TIP Submittal, MOAPI Revisions, Milavec Lake and Wind Sculpture. The Planning Department provided a POST Update, Enterprise GIS Update and Development Review. The Police Department provided information about the Emergency Management Exercise and Third Annual Juvenile Assessment Center Heroes' Celebration Lighting.

**Town Attorney Report** Town Attorney Rick Samson provided the Board of Trustees with a written Status Report and there was no additional information reported.

### **LIQUOR LICENSING AUTHORITY**

**Motion to Continue Suzi Cue's Order Show Cause Hearing** Mayor Pro Tem Carey indicated there could be a possible conflict of interest and recused himself from the discussion. Alex Schatz, Attorney for Suzi Cue's requested the October 19, 2010, Order to Show Cause Hearing be vacated and continued at a later date. Schatz indicated the business could be sold in the very near future; so a request to transfer the license will be before the Liquor Licensing Authority at a later date. Schatz also stated since September 5, 2010, proposed violation was added to the Order to Show Cause Hearing; there is not adequate time to prepare for that portion of the hearing. Motion by Trustee Wollack to vacate the October 19, 2010, Order to Show Cause Hearing and reschedule the hearing to November 30, 2010 at 5p.m. Trustee Wedel seconded the motion and motion carried unanimously.

### **PUBLIC HEARINGS**

**AM 2010-099, To Consider a Land Use Code Amendment to Adopt Article 15, Downtown Regulations** As part of the implementation recommendations for the Downtown Development Master Plan, Article 15, Downtown Regulations has been created to define a favorable environment for businesses and residents alike. This Article is a form based code rather than a convention zoning code; this fosters predictable built results and a high-quality public realm by using physical form as the organizing principle for the code. All publication requirements have been met. Mayor Doering opened the public hearing at 7:39p.m., there being no comments or questions, the public hearing was closed at 7:39p.m. Motion by Trustee Wedel to adopt Ordinance 1045, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, CREATING ARTICLE 15 OF THE FREDERICK LAND USE CODE, 2004 THROUGH ADOPTION BY REFERENCE; AMENDING CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN CONNECTION WITH THE ADOPTION OF SUCH REVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, Trustee Wollack seconded the motion and motion carried unanimously.

**AM 2010-103, To Consider a Zoning Amendment for the Downtown Area and Select Surrounding Properties** The Board of Trustees has adopted Article 15 of the Frederick Land Use Code. By the adoption of this Article, the Town of Frederick initiated zoning amendments which implement the Downtown Development Plans recommendations. The property involved in the zoning amendments is south of Majestic Street, north of Highway 52 and east and west of Colorado Boulevard. The current zonings include Downtown Commercial, Neighborhood Commercial, Residential Low Density, Residential Medium Density and Public.

The Downtown Development Plan, recommends the adoption of regulations specific to the Downtown area that would apply to the areas zoned Downtown –A or Downtown – B. The Downtown Development Plan regulations will take effect once the areas identified are rezoned. Maps of the proposed area were supplied and the Downtown areas A and B were defined.

Mayor Doering opened the public hearing at 7:47p.m. There being no comments or questions the public hearing was closed at 7:47p.m. Motion by Trustee Wollack to approve Resolution 10R034, A RESOLUTION REGARDING THE REVIEW OF THE REQUEST FOR AMENDMENT TO THE OFFICIAL ZONING MAP OF THE TOWN OF FREDERICK FOR PORTIONS OF THE FREDERICK DOWNTOWN AREA, Mayor Pro Tem Carey seconded the motion and motion carried unanimously.

Motion by Trustee Burnham to adopt Ordinance 1046, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF FREDERICK FOR PORTIONS OF FREDERICK'S DOWNTOWN, UPON THE PETITION OF THE TOWN, FROM VARIOUS DISTRICT DESIGNATIONS, TO DN-A, DN-B, AND C-C, Trustee Wollack seconded the motion and motion carried unanimously.

**AM 2010-101, To Consider a Request to Waive the Residential Protection Standards for Mustang Concepts** Mustang Concepts, an automotive restoration service business moved into an existing building (3762 Imperial Street, Unit C) which the use is permitted however, residential protection standards apply because there is a residential unit within the Industrial zone. The applicant supplied letters of support from adjacent landowners and/or businesses, the review criteria found the essential character of the neighborhood won't be altered nor will the value of the land or surrounding land be diminished. Mayor Doering opened the public hearing at 7:55p.m. There being no comments or questions, Mayor Doering closed the public hearing at 7:55p.m.

Motion by Mayor Pro Tem Carey to approve Resolution 10R035, A RESOLUTION CONCERNING REVIEW OF A REQUEST FOR WAIVER FROM SECTION 3.4 2(8)(c)ix. (RESIDENTIAL PROTECTION STANDARDS-MOTOR VEHICLE PAINTING AND BODYWORK) OF THE FREDERICK LAND USE CODE, AND ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE WAIVER REQUEST, Trustee Wedel seconded the motion and motion carried unanimously.

**AM 2010-100, To Consider an Ordinance Extending the Comcast Franchise Agreement** The Board of Trustees adopted Ordinance 1039, extending the term of Frederick's Comcast Franchise Agreement for six months from the expiration date of the Agreement. The current request is to extend the agreement until November 30, 2010. Currently the Town of Frederick, Town of Firestone and the City of Dacono are completing the agreement and the agreement should be presented to the Board by the November 9<sup>th</sup>, Board meeting. There was question should this item be a public hearing item; since it was posted as a public hearing, Mayor Doering opened the public hearing at 7:50p.m. There being no comments or questions the public hearing was closed at

7:50p.m.

Motion by Trustee Wedel to adopt Ordinance 1047, AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING THE CABLE TELEVISION SYSTEM FRANCHISE AGREEMENT WITH COMCAST OF COLORADO TO EXTEND THE FRANCHISE TERM, Trustee Burnham seconded the motion and motion carried with Mayor Pro Tem Carey voting "nay" to the motion.

### **ACTION AGENDA**

**AM 2010-091, To Consider Appointing Stephanie Garcia to the Youth Advisory Commission** Motion by Trustee Wollack to appoint Stephanie Garcia to the Youth Advisory Commission, Trustee Skates seconded the motion and motion carried unanimously.

**AM 2010-092, To Consider Appointing Brynn Burnham to the Youth Advisory Commission** Motion by Trustee Burnham to appoint Brynn Burnham to the Youth Advisory Commission, Trustee Wollack seconded the motion and motion carried unanimously.

**AM 2010-096, To Consider Appointing Cindy Garritt to the Cultural and Performing Arts Commission** Motion by Trustee Wedel to appoint Cindy Garritt to the Cultural and Performing Arts Advisory Commission, Trustee Wollack seconded the motion and motion carried unanimously.

**AM 2010-095, To Consider Appointing Patricia Wermerskirchen to the Cultural and Performing Arts Advisory Commission** Motion by Trustee Schiers to appoint Patricia Wermerskirchen to the Cultural and Performing Arts Advisory Commission, Trustee Wedel seconded the motion and motion carried unanimously.

**AM 2010-098, To Consider Appointing William Sean Scott to the Historic Preservation Advisory Commission** Motion by Trustee Wedel to appoint William Sean Scott to the Historic Preservation Advisory Commission, Trustee Skates seconded the motion and motion carried unanimously.

**AM 2010-097, To Consider Appointing Karin Strauch to the Parks and Open Space Commission** Motion by Trustee Wollack to appoint Karin Strauch to the Parks and Open Space Commission, Trustee Schiers seconded the motion, motion carried unanimously.

**AM 2010-104, To Consider a Request to Delay Park Construction in Johnson Farm Subdivision** This item was removed from tonight's agenda; additional information will be obtained and provided to the Board at a later date.

**AM 2010-093, To Consider an Ordinance of the Town of Frederick, Colorado, Enacting Chapter 10, Article XIII, Section 10-261 of the Frederick Municipal Code, Entitled "Definitions" and "Unlawful Use, Possession, Penalty"** At the September 14, 2010, Board meeting, the Board directed staff to revise the proposed "Unlawful Use,

Possession, Penalty” ordinance. The proposed ordinance allows the possession and use of what are perceived to be less dangerous fireworks commonly used by children; such as sparklers, spinners, etc. The Frederick Firestone Fire Protection District, Fire Chief was available for comments or questions; the Chief had no issues with the proposed ordinance. Motion by Wollack to adopt Ordinance 1048, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REVISING CHAPTER 10, ARTICLE XIII, SECTION 10-261 OF FREDERICK MUNICIPAL CODE, ENTITLED “DEFINITIONS,” AND REVISING CHAPTER 10, ARTICLE XIII, SECTION 10-262 OF THE FREDERICK MUNICIPAL CODE, ENTITLED “UNLAWFUL USE, POSSESSION, PENALTY” Trustee Schiers seconded the motion and motion carried unanimously.

**AM 2010-094, Recreational Vehicle Parking** The proposed ordinance takes into consideration the Board’s request to provide seventy-two (72) hours of on-street parking by recreational vehicle owners during loading or unloading. The Ordinance allows parking on public and private parking lots which may be done for up to 24 hours. There are revisions to terminology for unlicensed motorcycles, all terrain vehicles, go-karts, and other such unlicensed motor vehicles (off road vehicles). Motion by Trustee Burnham to adopt Ordinance 1049, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REPEALING AND RE-ENACTING CHAPTER 8, ARTICLE III, SECTIONS 8-42(a)(1) AND 8-42(b)(1), OF THE FREDERICK MUNICIPAL CODE, ENTITLED “RECREATIONAL VEHICLES, UTILITY TRAILERS,” AND REPEALING AND RE-ENACTING CHAPTER 10, ARTICLE XII, SECTIONS 10-248(a), Trustee Wedel seconded the motion and motion carried unanimously.

**AM 2010-105, To Consider an Intergovernmental Agreement between the Town of Frederick, Carbon Valley Recreation District and St. Vrain Valley School District Regarding Facility Usage** The existing Intergovernmental Agreement (IGA) between the three entities ( Town of Frederick, Carbon Valley Recreation District and St. Vrain Valley School District) specifically refers to Town of Frederick, Block 29 and 32. The softball field at Block 29, is owned by the Town of Frederick; Block 32, in the Town of Frederick is the elementary school playground. Since all entities have some ownership or request for usage the IGA is between all parties. Motion by Trustee Wollack to approve the Intergovernmental Agreement between the Town of Frederick, St Vrain Valley School District and Carbon Valley Recreation District, Trustee Burnham seconded the motion and motion carried unanimously.

## **DISCUSSION AGENDA**

**IM 2010-013, To Discuss the Proposed Medical Marijuana Regulations** The proposed medical marijuana regulations were provided to the Board as the Board requested. The Commercial Primary Caregiver is a new designation contemplated to reduce the likelihood of being legally challenged, should the Town choose to move forward with prohibiting caregivers from having more than five patients originally contemplated. After a discussion and clarification on several items proposed in the Ordinance, the Board directed staff to move forward with the proposed regulations, as amended.

## **CONSENT AGENDA**

Prior to discussion regarding the Consent Agenda, Mayor Doering removed himself from the meeting; Mayor Doering is the St. Vrain Sanitation District Manager. Mayor Pro Tem Carey ran this portion of the meeting.

Motion by Trustee Wedel to approve the Consent Agenda with the following item; the September 28, 2010, Special and Regular Meeting minutes, Trustee Wollack seconded the motion and motion carried unanimously.

**AM 2010-102, Consider a Resolution Accepting a Quit Claim Deed From St. Vrain Sanitation District for a Parcel Adjacent to the East Side of Colorado Boulevard (WCR 13)** Motion by Trustee Wedel to approve Resolution 10R036, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, ACCEPTING ST. VRAIN SANITATION DISTRICT QUIT CLAIM DEED FOR REAL PROPERTY LOCATED AT INTERSECTION OF WELD COUNTY ROAD 16 AND COLORADO BOULEVARD (WCR 13), Trustee Wollack seconded the motion, motion carried unanimously.

Prior to discussion regarding the October 12, 2010, List of Warrants, Mayor Doering resumed Chair of the meeting.

**Approval of List of Warrants for October 12, 2010** Motion by Mayor Pro Tem Carey to approve the List of Warrants, with the exception of the warrant for Watkins and Schommer, Trustee Wedel seconded the motion and motion carried unanimously. Once the Watkins and Schommer contract obligation is fulfilled a check will be issued to them. Watkins and Schommer is scheduled to review the Year 2009 Audit to the Board at their November 9, 2010, Board meeting.

## **MAYOR AND BOARD REPORTS**

**Mayor Doering** made mention about the National League of Cities Conference to be held in Denver this year.

**Trustee Wollack** had nothing new to report.

**Mayor Pro Tem Carey** inquired about the removal of the Johnson Farm Subdivision park construction from the Agenda, after some history of the situation, the Board requested this item be added to the October 26, 2010, Discussion Agenda. Mayor Pro Tem Carey also made mention about the Town Attorney budget memo provided to the Board; additional information can be provided to the Board at a Work Session.

**Trustee Burnham** had nothing new to report.

**Trustee Schiers** thanked those who have shown interest in being a member of Town sponsored Commission and what a wonderful job the Frederick Firestone Fire Protection District did in her time of need.

**Trustee Wedel** would like to have discussion with Carbon Valley Recreation District regarding what it takes to have property included in the District service area.

**Trustee Skates** would also like to have discussion regarding the inclusion of property to the Carbon Valley Recreation District. Trustee Skates indicated he is amazed and impressed with Staff expertise and how much goes on within the Town of Frederick operations.

**Executive Session** Motion by Trustee Burnham to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, Trustee Wollack seconded the motion, motion carried unanimously.

The executive session began at 9:27p.m. after a five minute recess. The executive session continued until 11:15p.m.

There being no further discussion, Mayor Doering closed the regular meeting at 11:15p.m.

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Nanette S. Fornof, MMC  
Town Clerk

Approved by the Board of Trustees

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Eric E. Doering, Mayor